

REMARKS

In the Final Office Action, the Examiner rejected claims 28-29 under 35 U.S.C. § 101 as being purportedly directed to non-statutory subject matter; rejected claims 1-3, 5-24, and 28-29 under 35 U.S.C. § 112, second paragraph; and rejected claims 1-3, 5-24, and 28-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0046789 of Inanoria ("Inanoria") in view of U.S. Patent Application Publication No. 2003/0225829 of Pena et al. ("Pena").

By this Amendment, Applicants have amended claims 1, 3, 5-10, 12, 15, 16, and 28-31. Claims 1-3, 5-24, and 28-31 are currently pending.

A. Rejection of Claims 28 and 29 under 35 U.S.C. § 101

The Examiner rejected claims 28 and 29 under 35 U.S.C. § 101 as being purportedly directed to non-statutory subject matter. In rejecting the claims, the Examiner asserted that these claims do not "produce a useful result such as a conveyance of results to a user." Office Action at 4. Applicants respectfully submit that neither the recent case law of the Federal Circuit nor the Office's Interim Guidelines for Examination of Patent Applications for Statutory Subject Matter Eligibility support the § 101 rejection of claims 28 and 29.

According to the Office's Interim Guidelines for Examination of Patent Applications for Statutory Subject Matter Eligibility, one test for determining whether a process is statutory is to determine whether it produces a "useful, concrete, and tangible result," as required by *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373 (Fed. Cir. 1998). The Guidelines explain that "the tangible requirement does require that the claim must recite more than a § 101 judicial

exception, in that the process must set forth a practical application of that § 101 judicial exception to produce a **real-world result**. In other words, **the opposite meaning of ‘tangible’ is ‘abstract.’**” Interim Guidelines for Examination of Patent Applications for Statutory Subject Matter Eligibility, p. 21.

In accordance with the Interim Guidelines, claim 28 recites a computer-implemented method that produces tangible results. In the *State Street Bank* case, the Federal Circuit held that the tangible result of a process applying a mathematical algorithm was statutory because it resulted in “a final share price momentarily fixed for recording and reporting purposes.” *State Street Bank & Trust Co.*, 149 F.3d 1373. Similarly, the method recited in claim 28 produces a tangible result, i.e., a view composition stored in a repository for developing user interfaces. Furthermore, claim 29 recites an apparatus that produces tangible results, i.e., a view composition stored in a repository. These results are “real world” and not abstract. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claims 28 and 29.

B. Rejection of Claims 1-3, 5-24, and 28-29 under 35 U.S.C. § 112

The Examiner rejected claims 1-3, 5-24, and 28-29 under 35 U.S.C. § 112, second paragraph, because the “term ‘potential’ in claims 1, 25, 28, and 29 is relative term which renders the claim indefinite.” Office Action at 5. Although Applicants disagree with the Examiner’s contentions, in order to expedite prosecution, Applicants have amended claims 1, 28, and 29 to delete the term “potential.” Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 112 rejection of claims 1-3, 5-24, and 28-29.

C. Rejection of Claims 1-3, 5-24, and 28-31 under 35 U.S.C. § 103(a)

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art references must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Third, there must be a reasonable expectation of success. See M.P.E.P. § 2143.

Applicants respectfully submit that no *prima facie* case of obviousness under 35 U.S.C. § 103(a) exists with respect to amended independent claim 1 for at least the reason that Inanoria and Pena, taken alone or in combination, fail to teach or suggest every claim element.

Amended independent claim 1 recites, among others, “enabling a user to lay out one or more views for a user interface.” Inanoria, taken alone or in combination with Pena, fails to teach or suggest “enabling a user to lay out one or more views for a user interface.”

Inanoria teaches “handling a rich set of GUI components *without* having to implement *web applications development technologies*.” Inanoria, Abstract. (emphasis added). Inanoria further details the ineffectiveness of these development environments in delivering rich GUIs for web applications. Inanoria, paragraph [0007]. Instead of using the development environments and enabling a user to lay out one or more views for user interface, Inanoria teaches using XUI technologies to create *declarative-formatted* (XML or XSL tag based) GUI components. Id. Examples of the

declarative-formatted (XSL tag based) GUI components are shown throughout the specification of Inanoria. See paragraphs [0104] and [0110].

At runtime, “[u]pon receiving [an] HTTP request from [a] client user, [a] JSP file is invoked and a custom tag written in the file invokes the Controller. The Controller imports the template for and delegates control to the Layout Manager to parse and transform the markup information contained in the JSP file. The Layout Manager then delegates control to the appropriate sub-template for the execution of the selected layout algorithm, which can then import the encapsulated CSS or JavaScript components. The Layout Manager uses one of the strongest attributes of an Object Oriented programming language wherein polymorphism is applied.” Inanoria, paragraph [0128]. Thus, prior to runtime, the GUI components in Inanoria exist only as XSL tags, and the XSL tags must be processed by the Layout Manager at runtime upon receiving an HTTP request for generating views. Figure 8 of Inanoria depicts only these runtime views.

Moreover, not only does Inanoria fail to disclose “enabling a user to lay out one or more views for a user interface,” but in fact, Inanoria also teaches away by explicitly enumerating the disadvantages of the non-declarative approach in laying out GUI components. Inanoria, paragraph [0008]. Inanoria specifically notes that “GUI data is normally bound or coupled with the GUI logic which normally makes the reuse of these GUI objects very difficult especially when working with multibehavioral or multi-modal pages.” Id.

Pena fails to cure the above-mentioned deficiencies of Inanoria. Pena is directed to a system and method for platform and language-independent delivery of page-based

content, and allegedly discloses “the use of a link for action transitions among page views.” Pena, Abstract, Office Action at 7. Thus, Pena teaches, at most, navigation links even if the Examiner’s allegation were true, and thus fails to teach or suggest “enabling a user to lay out one or more views for a user interface.”

For the reasons set forth above, Inanoria and Pena, either alone or in combination, fail to support the rejection of independent claim 1. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of claim 1 and allow that claim.

Amended independent claims 16 and 28-31 recite features that are similar to the features recited in amended independent claim 1. For reasons at least similar to the reasons set forth above with respect to claim 1, the references also fail to support the §103 rejection of claims 16 and 28-31. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claim 16 and 28-31.

Claims 2-3 and 5-15 depend from independent claim 1, and claims 17-24 depend from independent claim 16. Therefore, claims 2-3, 5-15, and 17-24 are allowable by virtue of their dependence on an allowable claim. Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claims 2-3, 5-15, and 17-24.

D. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicants' undersigned attorney at (571) 203-2710.

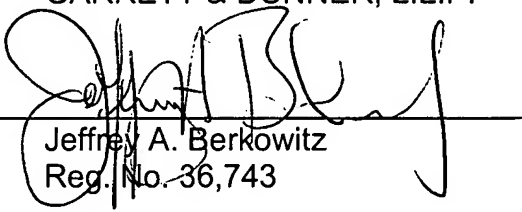
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By:


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